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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ARMANDO MARTIN,

Defendant and Appellant.

B279416

(Los Angeles County
Super. Ct. No. PA080450)

APPEAL from a judgment of the Superior Court of Los Angeles County. Cynthia L. Ulfig, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Yun K. Lee and Peggy Z. Huang, Deputy Attorneys General, for Plaintiff and Respondent.

* * * * *

Armando Martin (defendant) asks us to review the in camera proceedings conducted by the trial court in examining two police officers' personnel records pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*). We have done so, and conclude that the court correctly decided that no pertinent records needed to be disclosed. Accordingly, we affirm.

FACTS AND PROCEDURAL HISTORY

Defendant was arrested after two Los Angeles Police Department officers discovered methamphetamine and a shotgun in the car he was driving. The People charged defendant with (1) selling, offering to sell, or transporting methamphetamine (Health & Saf. Code, § 11379, subd. (a)), and (2) possessing a firearm while being a felon (Pen. Code, § 29800, subd. (a)(1)). Defendant asked the trial court, pursuant to *Pitchess*, to review the personnel records of the two officers who stopped his car, alleging that they had lied when representing that they learned he was on probation *before* they searched his car. After the trial court denied defendant's request, he pled no contest to both counts and the court imposed a sentence of eight years on the drug possession count (four years, doubled because defendant had a prior "strike" conviction), with a six-year concurrent sentence for the firearm possession count.

Defendant appealed, and we conditionally reversed his sentence. More specifically, we concluded that trial court erred in ruling that defendant had not established "good cause" to conduct an in camera review of the two officers' personnel records. Accordingly, we remanded the matter to the trial court to conduct the in camera hearing.

On remand, the trial court conducted an in camera hearing and examined the two officers' personnel records for any

materials indicating that they had, in the five years prior to defendant's arrest, fabricated evidence, fabricated reasonable suspicion or probable cause, conducted any illegal searches or seizures, or falsely arrested anyone. The court reported that it found "no discoverable information."

Defendant filed a timely appeal.

DISCUSSION

The personnel records of law enforcement officers are privileged (Pen. Code, §§ 832.5, 832.7 & 832.8), and may be disclosed only if a trial court (1) determines that there is "good cause" to conduct an in camera review of the personnel records; and (2) after such review determines which records are "relevant to the subject matter involved in the pending litigation." (Evid. Code, § 1045; *People v. Mooc* (2001) 26 Cal.4th 1216, 1226.) If the court determines that an in camera hearing is warranted, the custodian of the personnel records must bring "all 'potentially relevant'" materials to the court and state what other documents in the personnel file were not brought and why, and the trial court must thereafter review those records and order any relevant records disclosed. (*Mooc*, at pp. 1228-1229.) We independently review the sealed records, but review the trial court's determination of what is relevant for an abuse of discretion. (*People v. Myles* (2012) 53 Cal.4th 1181, 1209 (*Myles*).)

Our review indicates no error. We have reviewed the sealed transcript of the in camera hearing (*Myles, supra*, 53 Cal.4th at p. 1209 [review of sealed transcript is sufficient]), and conclude that the trial court did not abuse its discretion in finding that none of the personnel records of the two officers at issue fell within the scope of its search.

DISPOSITION

The judgment is affirmed.

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_____, J.
HOFFSTADT

We concur:

_____, Acting P. J.
ASHMANN-GERST

_____, J.
CHAVEZ